

AFFIDAVIT OF SERVICE

STATE OF NEW YORK     )  
                                      ) ss.:  
COUNTY OF NEW YORK    )

JEFFREY HAYES, being duly sworn, deposes and says that:

I am over the age of 18 years; I am not a party to the within action; and I reside in Westchester County, New York.

On the 7th day of August 2008, I served a true copy of:  
**Summons and Complaint, Civil Cover Sheet, Individual Practices of Judge Sidney H. Stein, Individual Practices of Magistrate Judge Andrew J. Peck, Notice of Right to Proceed Before a United States Magistrate Judge, Electronic Case Filing Rules and Instructions, and Rule 7.1 Statement** upon:

Defendant Charles Schwab & Co., Inc.

by delivering copies of these documents by hand to the office of its registered agent for service of process at:

CT Corporation System  
111 Eighth Avenue  
New York, New York 10011

and upon

Defendants John D. Santoleri & Ernest H. Pomerantz

by (A) delivering copies of these documents by hand to their actual place of business at:

Stonewater Capital  
12 East 49th Street, 36th Floor  
New York, NY 10017

Service on Messrs. Santoleri and Pomerantz was accepted at approximately 11:45 a.m. by a person of suitable age and discretion named Debbie, who told me that she would accept service on their behalf; and (B) by then mailing copies of these documents to:

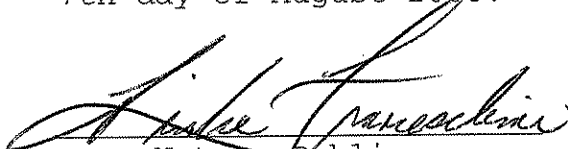
John D. Santoleri  
101 West 67th Street, Apt. 52A  
New York, New York 10023

Ernest H. Pomerantz  
430 East 84th Street  
New York, New York 10028

by depositing the same, enclosed in a post-paid properly addressed wrapper marked "personal and confidential" not indicating that it came from an attorney, in a post office depository under the exclusive care and custody of the United States Postal Service within the City, County and State of New York.

  
JEFFREY HAYES

Sworn to before me this  
7th day of August 2008.

  
Notary Public

**LINDA FRANCESCHINI**  
Notary Public, State of New York  
No. 01FR6098635  
Qualified in Bronx County  
Commission Expires September 15, 20 11